

### REMARKS

Applicant has carefully reviewed the Official Action dated December 11, 2007 placing the above identified patent application under final rejection.

At page 3 of the Official Action, Claims 1 - 20 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. The basis for the formal grounds of rejection is discussed in the Official Action.

The form of Claims 1 and 4 - 9 have been amended as suggested by the Examiner in the Official Action to overcome the formal grounds of rejection. Applicant respectfully requests that the form of the claims, as amended herein, complies with 35 U.S.C. Section 112, second paragraph, in all respects.

Applicant respectfully requests that the amendment to the form of the claims be entered notwithstanding the Final Action. The amendment to the form of the claims is directed exclusively to matters of form, does not affect the substance of the claims, does not raise any new issues requiring further search or consideration by the Patent & Trademark Office, and was made in response to formal grounds of rejection raised in the Final Action. Applicant therefore requests that the amendments made herein be entered.

At page 4 of the Official Action, Claims 1 - 4, 6 and 9 - 20 have been provisionally rejected on the grounds of non-statutory obviousness-type double patenting based upon Claims 1 - 4 and 9 of co-pending Appl. Serial No. 10/502,020. However, as acknowledged in the Official Action, this obviousness-type double patenting rejection is provisional because the alleged conflicting claims have not yet been patented. Accordingly, no action by Applicant in response to the provisional obviousness-type double patenting rejection raised in the Official Action is required at this time.

At page 5 of the Official Action, Claims 1 - 4 and 11 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over the Schesso patent (U.S. Pat. No. 3,654,880) in view of the Lancomb et al patent (U.S. Pat. No. 6,430,689).

At page 7 of the Official Action, Claims 5 - 10 and 12 - 20 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over the two aforementioned references in further view of the Kniffen et al patent (U.S. Pat. 5,705,991).

For the reasons to be discussed below, Applicant respectfully disagrees with the prior art rejections of the claims, and requests reconsideration and withdrawal of these rejections.

Claim 1 is the only independent claim pending in the present application. This independent claim recites a method in which the container can only be opened without destroying the contents therein, by employing a first key which is movable with the container to provide a portion of a container opening code, and a second key which is stationarily located at the intended destination at which the container will be opened to provide a second portion of the container opening access code, simultaneously with providing the first portion of the container access code from the first key, so that the container can only be opened at the intended destination where the stationary second key is located. Therefore, the method disclosed by Applicant and defined by independent Claim 1 assures that portions of a single access code for opening a container are divided between a first key which can be transported together with the container, and a second key at a stationary location at the intended destination at which the container will be opened for providing a second portion of the access code to assure that the container can only be opened at the intended destination.

Contrary to the method disclosed and claimed by Applicant, the Schesso patent discloses a container having a first key for opening a mechanical lock 38 on the container, and a second electro-mechanical lock that is releasable only by inputting a predetermined code. (Col. 2, line 44, Col. 2, lines 49 - 52 of the Schesso specification). However, there is no teaching or suggestion in Schesso of a second stationary key located at the

intended destination where the container is to be opened, for inputting a second portion of an access code simultaneously with inputting a first portion of an access code, to assure that the container can only be opened at the intended destination where the second stationary key is located.

Thus, Schesso discloses only a first mechanical key and a second electro-mechanical lock for opening the container. The entire access code is inputted by only the second electro-mechanical key, and there is no teaching or suggestion for inputting different portions of the entire access code from two separate keys. More importantly, there is no teaching or suggestion in Schesso that a second key (for inputting only a portion of an entire access code) is stationarily located at the intended destination at which the container is to be opened to assure that the container can only be opened at the intended destination.

The rejection of independent Claim 1 combines the Schesso patent with the Lancomb et al patent. Lancomb et al has been cited only as disclosing a first container opening key including a second electronic unit adapted to communicate with a first electronic unit when initiating opening of the container. However, even if the first mechanical key disclosed by Schesso is replaced with an electronic key, this combination does not teach or suggest the invention defined by Applicant's independent method Claim 1 when all positively recited features of the claim

are considered. On the contrary, Lancomb et al does not teach or suggest: 1). a portion of an entire code inputted by a first key, and a second portion completing the entire code simultaneously inputted by a second key only at the intended destination at which the container is to be opened; and 2). a second key for inputting a second portion of the entire access code simultaneously with the enclosed portion of the access code, in which the second key is stationarily located only at the intended destination where the container is to be opened.

It is significant to note that the Lancomb et al patent in fact teaches away from the invention disclosed and claimed by Applicant. As noted above, the basic objective of Applicant's claimed method is to provide a second key stationarily located at the intended destination at which the container is to be opened so that the container can only be opened at the intended destination. However, the Lancomb et al patent states, in pertinent part:

"A first station 5 is naturally located at the departure location of the container 1, and in accordance with the invention and with reference to FIG. 2, the arrival station is no longer resident, but on the contrary is mobile and transportable for all reasons described at length in the preamble to this description, namely that the transporter can deliver cash very occasionally to an addressee who may be located at any location without the need for the same transporter to have come earlier to install an arrival station containing sophisticated and consequently expensive equipment." [Col. 4, lines 1 - 11 of the Lancomb et al specification, emphasis added].

Therefore, Lancomb et al, which advocates against installing an arrival station, teaches directly away from the invention disclosed by Applicant, and defined by independent Claim 1, which expressly recites the step of "...using a stationarily disposed second key (20)...".

Applicant respectfully submits that there is clearly no suggestion in the prior art itself, or within the knowledge of a person skilled in the relevant art, to combine the disclosure of the Schesso patent with the Lancomb et al patent in any manner rendering Applicant's independent method Claim 1 obvious. Neither of the two references teach or suggest the method defined by independent Claim 1 when all positively recited features of the claim are considered in the patentability determination. Moreover, since the Lancomb et al patent teaches directly against a significant feature of Applicant's claimed invention, it is improper to combine this reference with any other reference to reject Applicant's independent method Claim 1. Neither the Schesso or Lancomb et al patents teach all features recited in Applicant's independent Claim 1, and a combination of these two references still will not result in Applicant's claimed method or any obvious variation thereof.

Since there is clearly no suggestion or motivation in the art, or within the knowledge of a person skilled in the relevant art, to combine the Schesso and Lancomb et al patents in any manner rendering Applicant's independent method Claim 1 obvious,

the only basis for the combination of the references proposed in the Official Action must be derived from using Applicant's own disclosure as a guide for combining selected features of different references to reconstruct Applicant's claims. However, any rejection based upon a hindsight combination of references using Applicant's own disclosure as a guide for the combination, is improper as a matter of law. See, for example, Micro-Chemical, Inc. v. Great Plains Chemical Co., Inc., 41 USPQ 2d 1238 (Fed. Cir. 1997); and In re Fritch, 23 USPQ 2d 1780 (Fed. Cir. 1992).

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For the reasons discussed herein, Applicant respectfully submits that independent method Claim 1 is allowable over the prior art applied in the outstanding Official Action. Independent Claims 2 - 20, which depend directly or indirectly from independent Claim 1 and include all features of this parent claim, are believed to be allowable, at least for the same reasons as independent Claim 1.

Applicant respectfully submits that all pending claims are in condition for allowance, and favorable action is respectfully requested.

Enclosed is a Petition for a one month extension of time for responding to the outstanding Official Action, together with the applicable fee for the requested extension.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', with a stylized flourish at the end.

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